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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,507	12/26/2000	Gary J. Dennis	BS99-202	9792

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,507

Applicant(s)

DENNIS ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The arguments of 10/12/05 are not convincing.

Applicant argues specifically that the Rutkowski et al reference does not disclose certain limitations, The examiner notes that those limitations are taught by Hendricks et al. Applicant further argues the limitations are not taught by Hendricks et al. The examiner disagrees, the claims require that one or more items are selected corresponding to the customer type, applicant admits that Hendricks customization of the date and time are disclosed at column 34, lines 60 and thereafter. The examiner would argue that this customization is an item.

2. The IDS of 10/12/05 has been considered.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-13, 16-19, 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski et al (5,826,270) in view of Hendricks et al (6,539,548).

As per Claims 1 and 11.

Rutkowski et al ('270) discloses:

receiving information related to a problem experienced by a customer, see figure 3 (50);

deploying a technician requested by the customer in response to the information, wherein the technician is employed by a company which provides service to the customer, see column 7, lines 11-37;

initiating a communication with the company over a communications network by the technician by accessing a computer at the location requested by the customer when the technician receives a request from the customer for a transaction different from the problem, the communication including a submission of an identity of the customer, see column 1, lines 19-59, column 5, lines 57-61, column 9, lines 9-26, column 12, lines 26-59 and column 14, lines 25-43;

sending, in response to the communication, customer information to the computer in use by the technician via a communications network from the company in response to the communication from the technician, see figure 1 (305, 345), column 5, lines 54-64, column 12, lines 26-59 and column 14, lines 25-43.

providing by the computer a list of one or more selected items, see figure 6 and column 16, lines 10-16 and column 14, lines 25-43;

receiving at the computer a selection from the list, see column 16, lines 10-16;

communicating the received selection from the computer over the communications network, see column 16, lines 3-7

Rutkowski et al ('270) does not specifically disclose selecting by the computer one or more items corresponding to customer type from a set of items.

Hendricks et al ('548) teaches a generated menu of products available to subscribers based on the customer type (cable tier), see column 26, line 16 – column 27, line 19 and also displayed based on customer preferences, column 33, lines 11-25, column 34, line 60 - column 35, lines 5-13 and figure 24b for the benefit of making the user interface friendly and offer a significant number of choices.

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Rutowski et al ('270) to display a list of products available automatically based on the customer type as taught by Hendricks et al ('548) for the benefit of making the user interface friendly and offer a significant number of choices.

As per Claims 2, 9, 10, and 18-19.

Rutkowski et al ('270) further discloses the company receives the request and automatically processes the request and modifies the customer's account, see column 5, lines 54-64.

As per Claims 3 and 12.

Rutkowski et al ('270) further discloses the communications network is wireless, see column 9, line 49 – column 10, line 6.

As per Claims 4 and 13.

Rutkowski et al ('270) further discloses the communications network is a wire line, see column 9, line 65 – column 10, line 6.

As per Claims 7 and 16.

Rutkowski et al ('270) further discloses the transaction includes the sale of a service, see column 9, lines 9-23.

As per Claims 8 and 17.

Rutkowski et al ('270) further discloses the transaction includes the sale of a product, see column 9, lines 9-23.

As per Claims 22, 25.

Rutkowski et al ('270) further discloses the use of an Automatic Number Indicator interface which automatically generates information, see column 3, lines 62-65, which is seen to be self-populating of at least one field (customer's phone number, which is also in the data tables of column 14, lines 33-44) of the form; and

communicating the electronic sales form to the dispatch division, see column 5, lines 54-64.

5. Claims 5-7, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski et al (5,826,270) in view of Hendricks et al (6,539,548) in view of Peters et al (5,696,906) and FieldCentrix....

As per Claim 5.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

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Rutkowski et al ('270) does not specifically disclose email sent to the technician's supervisor.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

The limitation of sending to the Supervisor is seen to be non-functional descriptive material which will not distinguish the invention from the prior art in terms of patentability, see *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 101 (Fed. Cir. 1983).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message to the Sales department as taught by Peters et al ('906) and FieldCentrix or to any other recipient in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

As per Claims 6-7 and 14-15.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

Rutkowski et al ('270) does not specifically disclose email.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

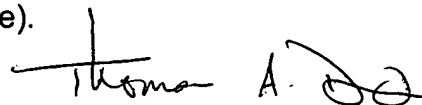
Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message as taught by Peters et al ('906) and FieldCentrix in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon
Primary Examiner
Art Unit 3639

December 05